

## **REMARKS**

The Office Action dated October 6, 2005, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 39-78 are presently pending in the application, of which claims 39, 62, 77, and 81 are independent. Claims 39, 40, 59, and 62 have been amended and claims 77-83 have been added to more particularly point out and distinctly claim the invention. No new matter has been added. Claims 39-83 are respectfully submitted for consideration.

### **Allowable Subject Matter**

The Office Action indicated that claims 40-42, 49-54, and 70-72 would be allowable if rewritten to overcome the objections set forth below and if they were not dependent on rejected base claims. Applicants respectfully submit that the base claims are allowable for the reasons explained below, and therefore respectfully request that claims 40-42, 49-54, and 70-72 be allowed.

### **Claim Objections**

Claims 39, 40, and 62 were objected to because of the misspellings of “registering” and “from,” and because claim 40 was designated as depending from cancelled claim 1. Claims 39, 40, and 62 have been amended to correct the misspellings

and dependency, and therefore it is respectfully requested that these objections be withdrawn.

**Rejection under 35 U.S.C. 112, second paragraph**

Claim 59 was rejected under 35 U.S.C. 112, second paragraph as lacking antecedent support for the term “said control network session.” Claim 59 has been amended to change its dependency to depend from claim 58, which provides antecedent support for the term. Therefore, it is respectfully requested that this rejection be withdrawn.

**Rejections under 35 U.S.C. 103(a)**

Claims 39, 43-48, 55-57, 59-68, and 73-74 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0024950 of Hakala et al. (“Hakala”) in view of U.S. Patent No. 6,650,886 of Lundstrom (“Lundstrom”). The Office Action took the position that Hakala discloses all of the features of independent claims 39 and 62 except “wherein the step of transmitting the network address of the first charging system from the first data network to the second data network is performed before the step of registering the terminal device to the second network.” The Office Action supplied Lundstrom to remedy the deficiencies of Hakala. Applicants respectfully traverse this rejection.

Claim 39, upon which claims 40-61 depend, is directed to a method for charging an account related to a terminal device of a subscriber to a first data network for a network session rendered to said terminal device when roaming in a second data network. The method includes registering said terminal device to said second data network, transmitting a network address of a first charging system related to said first data network from said first data network to said second data network, establishing said network session for said terminal device by said second data network, assessing in said second data network first charge information about said network session, transmitting said assessed charge information from said second data network to said network address of said first charging system, and calculating a charge for said network session at said first charging system using said incoming first charge information. The step of transmitting said network address of said first charging system from said first data network to said second data network is performed before said step of registering said terminal device to said second data network.

Claim 62, upon which claims 63-76 depend, is directed to a network system including a first data network, at least one second data network, a first-network charging system related to said first data network, and a first terminal device subscribed to said first data network. The first data network has a first-network service assessment system communicating with a second-network service assessment system in said second data network and adapted to transmit a network address of said first-network charging system to said second-network service assessment system. The second-network service

assessment system is adapted to assess and to transmit first charge information during said network session to said first-network charging system using said network address. The first-network service assessment system is additionally adapted to performing said step of transmitting said network address of said first charging system from said first data network to said second data network before a step of registering said first terminal device to said second data network.

Applicants respectfully submit that the combination of Hakala and Lundstrom fails to disclose or suggest all of the elements of any of the presently pending claims.

Hakala is directed to transmission of call detail records in a telecommunications system. Hakala, at paragraph 0008, describes “transferring from a subscriber register to said serving exchange, an address of a billing system in a signaling network to which said serving exchange and said billing system are coupled.” The point of this feature, as explained at paragraph 0007 is to be able to route call detail records (CDRs) for a subscriber. Furthermore, as described at paragraph 0003, CDRs are generated by the mobile switching center (MSC) periodically (for example, every five minutes). Further, as explained at paragraph 0036, it is once a subscriber initiates a connection that the MSC 4 retrieves the billing system IP address from the VLR 9. However, the billing system IP address is recorded to the VLR 9, as explained at paragraph 0035, when the MSC 4 is registered in the VLR 9. Indeed, as explained at paragraph 0034, the IP address of the billing system is provided if and when the HLR 6 verifies the request to update location.

Therefore, as the Office Action observes, Hakala fails to disclose “wherein said step of transmitting said network address of said first charging system from said first data network to said second data network is performed before said step of registering said terminal device to said second data network” as recited by claim 39 and “wherein said first-network service assessment system is additionally adapted to performing said step of transmitting said network address of said first charging system from said first data network to said second data network before a step of registering said first terminal device to said second data network” as recited by claim 62. The Office Action provided Lundstrom to remedy these deficiencies of Hakala.

Lundstrom is directed to tariff determination in mobile telecommunications networks. As explained at col. 4, lines 25-50, call tariff determination is performed by means of exchange of information between a rating node of a home network and charging nodes of respecting foreign networks. The current tariff is transmitted in form of a charging algorithm. The exchange may take place once every 24 hours. As explained at column 4, lines 41-45, the exchange may only occur if a foreign network has a roaming agreement

The Office Action, at page 4, asserted that according to Lundstrom, charging nodes of foreign networks may regularly poll a rating node of the home network as well as rating nodes of other networks with which they have a roaming agreement. The Office Action alleged that this feature implies a step of transmitting a network address of the

first charging system to the second data network before registering a terminal device to the second data network.

Applicants respectfully disagree. The Office Action submits that the transmitting of a network address of the first charging system to the second data network takes place before registering a terminal device to the second data network. However, Lundstrom's disclosure suggests otherwise. For example, Lundstrom indicates, at column 4, lines 41-45, that the "charging node 7 of a foreign network **may only poll** those networks ... for whom there is **currently registered** with the foreign network a roaming subscriber." (emphasis added) In other words, even assuming that the charging node 7 of the foreign network were equivalent to the claimed "first charging system" (not admitted), Hakala has already explained, at paragraph 0034, that once registration is completed, the HLR 6 provides the billing system IP address (which the Office Action interprets as the first charging system). Therefore, if Lundstrom were combined with Hakala, there would be no reason to modify Hakala to transmit the billing system IP address any sooner, because Lundstrom only needs to contact the charging node 7 if there is a registered subscriber. Accordingly, the combination of Hakala and Lundstrom fails to disclose all of the elements of claims 39 and 62 (and the claims that depend from them), and it is respectfully requested that this rejection be withdrawn.

Furthermore, the Office Action does not show that the charging node 7 of Lundstrom is equivalent to the billing system of Hakala, or that either of those is equivalent to the claimed "first charging system." Without this link, Applicants

respectfully submit that the Office Action's analysis of the references as applied to the claims cannot stand. For this further reason, it is respectfully requested that this rejection be withdrawn.

Additionally, the Office Action fails to show that there was a reason for combining the teachings. The mere possibility of combining the disclosure of the references should not lead to the conclusion that such a combination is indeed obvious. As the MPEP indicates 2143.01: "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." (emphasis in the MPEP) (citing In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)). Thus, the Office Action should indicate the motivation to combine.

The Office Action suggests that the motivation to combine the two teachings would have been "in order to provide advice of charge information from a home network in order to enable a call charging node of a foreign network to determine the call tariff for a roaming mobile subscriber." This appears to be based on Lundstrom's self description at column 1, lines 62-67, and is just a reason to employ Lundstrom's invention, not a reason to combine Lundstrom's disclosure with Hakala's disclosure.

The significance of the failure to motivate a combination becomes more clear when one examines the two references. The Office Action is seeking to combine the teachings of two fundamentally different methods. The method disclosed by Hakala concerns the detailed steps to be performed for charging a network subscriber for a call

when he is roaming in a foreign data network. Lundstrom, in contrast, relates to exchanging charging algorithms between network entities. Lundstrom does not show that a charging node of a foreign network has access to a network address of a charging system of the home network, much less at the actual moment of recording a CDR for an ongoing call of the roaming subscriber. On its face it is clear that the method disclosed in Lundstrom has nothing to do with the charging procedure for an actual telephone call of a roaming network subscriber. Therefore, there is no motivation to combine the teachings of Hakala and Lundstrom. Accordingly, for this additional reason it is respectfully requested that this rejection be withdrawn.

Claim 58 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hakala in view of Lundstrom and further in view of allegedly known prior art of which the Office Action takes Official Notice. Applicants respectfully traverse this rejection.

Claim 58 depends from claim 39. Accordingly, the arguments above regarding the patentability of claim 39 apply to claim 58. The Official Notice is not relevant to the arguments above as to claim 39, and therefore it is respectfully request that this rejection be withdrawn.

Nevertheless, Applicants also respectfully traverse the use of Official Notice, and request that evidence be provided. Applicant respectfully submits that the Official Notice alleges that “the concept of establishing a control session between a home network and a visited network for a roaming subscriber prior to the establishment of a communication session for the roaming subscriber is very known and expected in the art.” Applicants



respectfully note that the Official Notice does not indicate either the additional feature “which control session is routed through a first network control node related to the first network,” as recited by claim 58, or motivation to combine the allegedly well known disclosure with Hakala and Lundstrom.

Claims 75-76 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hakala in view of Lundstrom and further in view of U.S. Patent No. 6,515,989 of Ronneke (“Ronneke”). The Office Action took the position that Hakala and Lundstrom disclose all of the limitations of claims 75-76 except “wherein the second network control system also comprises a SGSN, a GPRS Internet Protocol backbone and the second network service assessment is integrated into the SGSN.” The Office Action supplied Ronneke to remedy the deficiencies of Hakala and Lundstrom. Applicants respectfully traverse this rejection.

Claims 75-76 depend from claim 62. Accordingly, the arguments above regarding the patentability of claim 62 apply to claims 75-76. The addition of Ronneke to the combination of Hakala and Lundstrom does not remedy the deficiencies of Hakala and Lundstrom, and as explained above, there is no motivation to combine the references. The argument above regarding motivation to combine above is hereby incorporated by reference, and it is further noted that the same argument also applies to Ronneke, for which the Office Action simply identifies a self-asserted benefit of Ronneke.

Ronneke is directed to collecting per-packet billing data in a packet data service. In Ronneke, as explained at column 3, lines 63, data traffic to mobile stations 12 is routed

from an SGSN 18 to a BTS 22 via a BCS 20. Additionally, the SSGN 18 performs authentication, logical link management, and other services for the mobile stations 12.

Ronneke, however, does not remedy the deficiencies of Hakala and Lundstrom because Ronneke does not disclose or suggest “wherein said first-network service assessment system is additionally adapted to performing said step of transmitting said network address of said first charging system from said first data network to said second data network before a step of registering said first terminal device to said second data network” as recited by claim 62. Accordingly, it is respectfully submitted that even if the combination of Hakala, Lundstrom, and Ronneke were proper (not admitted), the combination does not disclose or suggest all of the elements of claims 75-76. It is therefore respectfully requested that this rejection be withdrawn.

### **Conclusion**

For the reasons explained above, it is respectfully submitted that each of claims 39-78 recites subject matter that is neither disclosed nor suggested in the cited references. Therefore, it is respectfully requested that all of claims 39-83 be allowed, and that this application be passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Petition for a Two-Month Extension of Time  
Additional Claim Fees Transmittal  
Check No. 14163